

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.	Application 00-11-038 (Filed November 16, 2000)
Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan. (U 39 E)	Application 00-11-056 (Filed November 22, 2000)
Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.	Application 00-10-028 (Filed October 17, 2000)

**ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO ANY
APPLICATIONS FOR REHEARING OF DECISION 02-05-048**

Decision (D.) 02-05-048 was adopted by the Commission at the meeting of May 16, 2002, and mailed to the parties on May 17, 2002. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Public Utilities Code Section 1731, and added Public Utilities Code Section 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be

filed within 10 days after the date of issuance of the decision. Accordingly, applications for rehearing of D.02-05-048 are due 10 days after the issuance of those decisions.¹ Applications for rehearing of these decisions must be filed by May 28, 2002.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue any decision and order on rehearing of D.02-05-048 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on June 6, 2002.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until June 12, 2002, six days after the June 6, 2002 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,² the time for filing a response to any application for rehearing shall be shortened to May 31, 2002. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before May 31, 2002.

¹ In D.02-05-048, the Commission specifically noted the applicability of Public Utilities Code Section 1731(c), and in particular the 10-day time for filing applications for rehearing.

² See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

Due to the expedited appellate schedule, any applications for rehearing and responses shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any applications for rehearing and responses shall be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of Decision 02-05-048 that may be filed shall be shortened. Parties shall file responses on or before May 31, 2002. Any party filing applications for rehearing or responses to such applications shall serve the responses in the manner specified above.

Dated May 23, 2002, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Assistant Chief
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assistant Chief Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of Decision 02-05-048 on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated May 23, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.